

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division**

**ERIC S. MOORE, SR.
and
BRENDA MOORE,**

Plaintiffs,

v.

Civil Action No.: 4:11-cv-122

SHAPIRO & BURSON, LLP,

Defendant.

**PLAINTIFFS' RESPONSE TO ORDER
TO SHOW CAUSE**

The Plaintiffs, ERIC S. MOORE, SR. and BRENDA MOORE (hereafter the "Plaintiffs"), by counsel, respectfully request that this action not be dismissed pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, and further show good cause herein by stating the following:

1. The Plaintiffs have, in fact, served the Defendant, SHAPIRO & BURSON, LLP, with process, with said service having been effected upon John Burson, Registered Agent of the Defendant, on November 30, 2011. An affidavit of service is attached hereto as Exhibit "A".

2. The Defendant must now file an answer or other responsive pleading within twenty-one (21) days after being served the Summons and Complaint pursuant to Rule 12 of the Federal Rules of Civil Procedure. The Defendant's answer is due on or before December 21, 2011.

3. With service of process having been effected within 120 days of filing the Complaint, the Plaintiffs submit that they have complied with Rule 4(m) of the Federal Rules of Civil Procedure and request that this action be permitted to proceed.

WHEREFORE, having shown good cause, the Plaintiffs, ERIC S. MOORE, SR. and BRENDA MOORE, respectfully request that this Honorable Court not dismiss the action and allow this matter to proceed in due course.

Respectfully submitted,

**ERIC S. MOORE, SR. and
BRENDA MOORE**

/s/

Joseph F. Verser, Esq., VSB No.: 73494

jverser@heathlawplc.com

Counsel for Plaintiffs

HEATH LAW, P.L.C.

11832 Rock Landing Drive, Suite 201

Newport News, VA 23606

Telephone: (757) 243-1464

Telecopier: (757) 599-0735

12/21/2011

AFFIDAVIT OF SERVICE

COMMONWEALTH OF VIRGINIA

SERVICE OTHER THAN BY VIRGINIA SHERIFF

in the:

**UNITED STATES DISTRICT COURT, EASTERN DISTRICT
OF VA - NORFOLK DIVISION**

STATE/Commonwealth of:
VA

ERIC S MOORE, SR., ET AL

CASE NO:

In re / v.

4:11CV122

SHAPIRO & BURSON, LLP

JOHN BURSON, REG AGENT

SHAPIRO & BURSON, LLP

13135 LEE JACKSON HWY, #201, FAIRFAX, VA 22033

is the name and address of the person upon whom service of the following is to be made.

Document(s) SUMMONS IN A CIVIL ACTION

Served: COMPLAINT

I, the undersigned swear/affirm that I am a private process server, I am not a party to, or otherwise interested in the subject matter in controversy in this case, I am 18 years of age or older, and I served as shown below, the above named person upon whom service of process was to be made with copies described above.

Date and time of service: **11/30/2011 @ 3:00 PM**

METHOD OF SERVICE:

PERSONAL SERVICE

PENDING AOS FROM SERVER

COMMONWEALTH OF VIRGINIA

Dated: 12/2/2011

Signature

CITY OF POQUOSON

Subscribed and sworn to/affirmed before me this day by

PENDING AOS FROM SERVER

who is personally known to me.

Date: 12/2/2011

My commission expires:

Signature of Notary Public

Hester Services, Inc., P.O. Box 2070, Poquoson, VA 23662, Phone 757-868-5833

SHARON MINGEE

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